

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/
FENFLURAMINE/DEXFENFLURAMINE))
PRODUCTS LIABILITY LITIGATION) MDL NO. 1203
)
)
THIS DOCUMENT RELATES TO:)
)
SHEILA BROWN, et al.) CIVIL ACTION NO. 99-20593
v.)
)
AMERICAN HOME PRODUCTS)
CORPORATION)

PRETRIAL ORDER NO. 8989

AND NOW, this 8th day of January, 2013, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED as follows that:

- (1) the final post-audit determination of the AHP Settlement Trust is AFFIRMED and that the Matrix A, Level II claim submitted by claimant Nicholas Napora is DENIED;
- (2) the motion for relief from the Seventh Amendment (Docket No. 2:12-md-1203, Doc. No. 208581) is DENIED;
- (3) the motion for Seventh Amendment monthly reports and information on how actual claims are being reviewed (Docket No. 2:12-md-1203, Doc. No. 208586) is DENIED;
- (4) the motion for disclosure of all auditor pass rates (Docket No. 2:12-md-1203, Doc. No. 208614) is DENIED;
- (5) the motion of Wyeth for an extension of time to reply to the motion for disclosure of all auditor pass rates (Docket No. 2:12-md-1203, Doc. No. 208634) is GRANTED;

(6) the motion to cease all activity at the Trust and for a full investigation into the Trust's auditing cardiologists, and appointment of a special investigator to investigate claims of intentional material misrepresentation (Docket No. 2:12-md-1203, Doc. No. 208711) is DENIED;

(7) the motion for an order directing the Trust to turn over evidence, conclusions, expert opinions, and lawyer conversations that factored into his final post-audit determination (Docket No. 2:12-md-1203, Doc. No. 208754) is DENIED;

(8) the motion for relief from the Seventh Amendment (Docket No. 2:12-md-1203, Doc. No. 208757) is DENIED;

(9) the motion for leave to file a rebuttal to the opinion of the auditor (Docket No. 2:12-md-1203, Doc. No. 209084) is DENIED; and

(10) the motion for relief and release of funds from the Seventh Amendment (Docket No. 2:99-cv-20593, Doc. No. 4358; Docket No. 2:12-md-1203, Doc. No. 209352) is DENIED.

BY THE COURT:


Haney Bartle
J.